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ABSTRACT

This report contains the findings and recommendations of a task force established to develop a comprehensive statement regarding the confidentiality of adoption records and to define the scope of information (background and/or identifying) to be shared with birth parents prior to placement of a child for adoption, adoptive parents at the time of placement, and adoptees upon request. The introductory section of the report contains a description of the events leading up to the formation of the task force and a brief statement of task force objectives. Section 2 presents a list of the 24 task force members. In Section 3, issues which shaped the general background of task force discussions are delineated. The 14 major findings of the task force are enumerated in Section 4 and the reactions of selected birth parents to these findings are presented in Section 5. Section 6 contains recommendations made by the task force in four areas: (1) access to nonidentifying information, (2) access to identifying information, (3) adoption records, and (4) registration system. Section 7 contains a summary statement. (JMB)

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TASK FORCE ON CONFIDENTIALITY IN THE ADOPTION PROGRAM

A REPORT TO THE CALIFORNIA STATE DEPARTMENT OF HEALTH

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July 14, 1977

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I. INTRODUCTION

In California, as well as throughout the nation, public policy relative to confidentiality in the adoption process has been undergoing a reexamination by the public; by adult adoptees, birth parents, and adoptive parents; by adoption agencies; by the courts; by the Legislature; and by the State Department of Health.

The "closed" record policy in adoption served birth parents, adoptive parents, and children placed for adoption extremely well at a time when society was not generally accepting of out-of-wedlock pregnancy or the single parent family. The protective nature of the policy provided an opportunity for birth parents to reestablish a future and provided security for the new family unit. The "closed" adoption record in the past was not unique, in that many agency records, court records, and official documents were sealed or if not sealed were held in confidence. The public accepted the closure of records, indeed demanded such a policy, and as a result there were few challenges for opening of records.

Society has changed a great deal in the last 15 years, and many of the mores and values held around the need for closed records have changed. Increasing numbers of adult adoptees are seeking identifying information related to their birth parents as well as requesting background information concerning their own heredity and family origins. It is within this context that we are now experiencing an in-depth look at the policy concerning adoption records.

In October 1975, the Department of Health requested the California State Bar, through the Adoptions Committee, to review California laws governing adoption records and in cooperation with the Department and other interested public groups to consider the need for changes. In May and June 1976, the Department of Health, in conjunction with the California State Bar, held three public hearings throughout the State to obtain public input into the policy deliberation. During these meetings testimony was received from birth parents, adoptees, and adoptive parents. The general consensus was that it is time for a change. The major themes presented throughout the hearings were: (1) recognize adoptees over the age of 18 as adults -- give up the stereotype of thinking of all adoptees as infants or small children; (2) recognize birth parents as individuals who have grown and matured since the placement of a child for adoption -- give up the stereotype of all birth parents as young, frightened 16-year-olds; and (3) recognize that adoptive parents have an inherent strength of relationship with their children -- give up the stereotyped idea of fragile family relationships.

In December 1976, the Department of Health building on the findings from the public hearings established a task force, composed of individuals who are leaders in their field and who have a significant interest in a strong and vital adoption program.

The charge to the task force was to:

A. Develop a comprehensive statement relating to confidentiality of adoption and related records.

B. Define the scope of information (background and/or identifying) to be shared with birth parents prior to placement of a child for adoption, adoptive parents at time of placement, and adoptees upon request.

The task force objective was to:

Recommend to the Department of Health a comprehensive proposal relating to confidentiality of adoption records that is responsive to the needs of adult adoptees and offers appropriate protection to the interests of all parties.

This report contains the findings and recommendations of the task force.

II. MEMBERSHIP -- TASK FORCE ON CONFIDENTIALITY

Name	Organization
Mary Sullivan, Chairperson Chief, Children Social Services	State Department of Health
Lenore Campbell, Director	Los Angeles County Department of Adoptions
Penny Donovan Adoptive Parent	Former President of California Association of Adoption Agencies
Lucas W. Empey, M.D.	American Academy of Pediatrics California Chapter I
Donald H. Fibush Adoptive Parent	Founder, California Children's Lobby Past President and State Legislative Chairman, California Association of Adoption Agencies
Philip Greenblat, Chief Adoptions and Foster Care Section	State Department of Health
Michael Haag Adoptee	Board of Studies in Psychology University of California Santa Cruz, CA 95064
Matt Haley Adoptee	A.D.O.P.T.E.D.
Wesley L. Jones, Director	Santa Clara County Department of Social Services
Helaine Kerfoot Social Service Consultant Adoptions and Foster Care Section	State Department of Health
Richard Koppes Assistant Chief Counsel Office of Legal Affairs Adoptive Parent	State Department of Health
William P. Lamb, Attorney	Association on American Indian Affairs
Marie Burke Lia Deputy City Attorney City and County of San Francisco	Chairperson, Adoption Committee California State Bar

Oliver H. Michaelis Administrative Assistant Children Social Services	State Department of Health
Janice Nielsen Adoptive Parent	Parents by Choice, Inc.
Juanita Nichols Statewide President	California Association of Adoption Agencies
Mary O'Neill Retired	Former Deputy Director Los Angeles County Department of Adoptions
Richard Pancost Executive Director	Children's Home Society of California
Reuben Pannor Director of Community Services	Vista Del Mar Adoption Services
Helen Ramirez, Deputy Director	Los Angeles County Department of Adoptions
Winona Sample, Chief Indian Health Section	State Department of Health
William H. Simon, Jr., Attorney; Adoptee	Former President of California Association of Adoption Agencies
David B. Singleton, Director	Santa Cruz Department of Social Services Former Chairman, Adoption & Foster Care Committee, California County Welfare Directors Association
Ruth E. Vaughn Social Work Supervisor II	Contra Costa County Social Services Department

III. GENERAL BACKGROUND CONSIDERED IN DISCUSSIONS

In recent years there has been a considerable change of public attitude calling for more openness in the availability of an individual's own personal information in public records. In the past the sealing of all adoption records was a very natural thing. The birth of a child out of wedlock at the time carried with it some social stigma. A birth parent frequently would leave her normal place of residence to have her child in another city so that the facts surrounding the child's birth would remain secret. Similarly, adoptive parents were concerned about keeping the facts of the adoptive child's origins a secret. It has only been in recent years that substantial progress has been made in something as basic as how adoptive parents should go about telling their adoptive children that they are adopted. There are some adopted children who have never been told (by their adopted parents) that they are adopted.

At the present time there is very little social stigma on an unmarried parent. We see unmarried parents keeping their children and raising them without any problems or pretense related to the fact that the mother is not married to the father of the child. We also see unmarried couples living together having children and raising them, again, without any pretense concerning the relationship of the parties.

In recent years we have also viewed the phenomenon of more and more groups in our society insisting on greater equality of rights. We have had various minority groups coming to the fore and demanding and

receiving more equality with majority groups. Representatives of these minority groups are working through areas of legislation, education, the courts, administrative branches of government, and otherwise. We have all noted the progress made by the women's rights movement in recent years.

Along with this general pressure for more equal treatment has grown an increasing pressure from adoptees' rights groups. These groups believe that the adult adoptee is discriminated against because the adult adoptee is denied basic information about his or her origins. While other people in our society can obtain a birth certificate stating the name of the birth parents, an adoptee cannot. The adoptees are further infuriated by the fact that they can go to a clerk in vital statistics and the clerk can look at the record and see the names but still will refuse and is required to refuse under law to give the names to the adoptees.

A similar phenomenon has been occurring among birth parents who want very much to locate children whom they gave up for adoption in past years who are now adults. Birth parents have also joined together in forming parents' rights groups which are pushing for reforms in legislation. Although the majority voluntarily consented to the adoption under circumstances which clearly told them that they would be severing all contact with their child for all time, many of these birth parents now feel a strong desire and a strong need to locate their relinquished adult children.

Another set of birth parents lost all parental rights to their children through involuntary termination by the court. In many situations the involuntary termination was based on the abandonment of the child by the parent, others were related to severe emotional or psychiatric problems which precluded the parent from ever assuming the parental role, and in other cases the parent committed acts of violence of such a nature that the child's interests could seemingly only be served through termination of the parental relationship. A major concern surfaces regarding parents deprived of parental rights through involuntary termination. Consideration must be given to the fact that many of these parents were young and immature or caught up in the web of poverty which drained them of the strength to meet parental responsibility. Many were members of a minority group whose children were placed in foster homes from a significantly different cultural background which subtly encouraged alienation. Many of these parents have matured, changed, or in the latter case never accepted the final severing of family ties. There is a question under such circumstances whether public agencies should act as an intermediary when contact with an adult adoptee is sought. They could relate openly and honestly to the adoptee the current status of the parent, and permit the adult adoptee to make the decision regarding the contact with the birth parent. However, in those cases terminated as a result of acts of violence, it might be advisable to provide expert counseling as a prerequisite to any contact between the adult adoptee and the presumably rehabilitated birth parent.

As is generally true, where new rights are being demanded, the people with the strongest views concerning complete freedom of information relating to identifying information are those who are raising their voices the loudest. Experience has shown, however, that evolutionary change in the "rights" areas has moved rapidly behind and in response to the voices of those who have called for revolutionary changes, and your committee is agreed that changes in the areas of opening new avenues of obtaining identifying information are both inevitable and desirable.

Current social changes have made it impossible to maintain the status quo in the area of confidentiality of identifying information. Both Scotland and England have enacted laws opening the identifying information in birth records to adult adoptees who apply. A recommendation was made in Ontario, Canada, for liberalizing the condition under which this information can be obtained. Several cases have been filed with the courts to determine whether "the right to know" is a legal right protected by the Constitution.

A number of sociologists, psychiatrists, and others have written articles in support of the proposition that the extremely confidential nature of the adoption practice which withholds from adult adoptees information as to the adoptees' origins has harmful effects on some adopted persons. Included among these writers are J. Triseliotis in his work "In Search of Origins -- The Experiences of Adopted People"

in 1973; A. MacWhinnie -- "Adopted Children -- How They Grow Up"; M. Kornitzer -- "Adoption and Family Life", 1968; Ruben Pannor of Vista del Mar and his associate, Annette Baran, have taken a similar approach to literature which they have written including an article in the Journal of Jewish Communal Service -- 1974, which was coauthored with Arthur D. Sorosky, M.D. Florence Fisher's book, "The Search for Anna Fisher", has stirred great interest in this subject and gave added impetus to Florence Fisher in forming her organization which is called ALMA which is an organization fighting for "adoptee's rights". There are similar organizations such as "Orphan Voyage" and "Yesterday's Children" which aim at promoting greater availability of confidential identifying information concerning the adoptee's origin.

Most of these groups desire not only to obtain the right of access to identifying information but are also advocating and establishing reunions between adult adoptees and their birth parents. Research such as Mr. Pannor's indicates that in the majority of cases these reunions have worked out well for both adult adoptees and their birth parents.

Another aspect of this matter which has received less attention but seems to have at least as much interest is the search between adult adoptees and their siblings who are later children or earlier children of one or both birth parents. This complicates the problem inasmuch as the birth parent may have little or no interest in contact, yet the adult adoptee may be looking for siblings who are children of that birth parent. These other siblings may at the same time be searching for or at least amenable to contact with the adult adoptee. The only

connection between the two is the birth parent and unless the birth parent can be identified, the siblings are forever prevented from making contact with each other.

A difference should be noted between needs to know and "rights to know". Basically, rights are either conferred by law or confirmed by courts and this becomes law. At the present time the law in California is such that there is no "right" given either an adult adoptee or a birth parent to have free access to confidential identifying information. In fact the legal right which is recognized in California is the legal right of the adoptive family to maintain insulated anonymity from a birth parent and indeed the world (in the situation of agency adoptions). Similarly, rights of anonymity are given to the birth parent, and, of course, the adult and minor adoptee.

These rights are enunciated in Sections 227 and 227aaa according to the present printing of the California Civil Code, Section 10439 of the Health and Safety Code, as well as in the administrative provisions of Title 22 of the Administrative Code, Sections 30737 and 30569 (c). The cumulative effect of these sections is to make all of the various records confidential provided that the records which are maintained by the courts can be opened to the parties to the adoption on a showing approximating the necessitous.

A legal question is still unsolved as to who are the parties in an adoption action. In agency adoption the birth parent is not a party because a relinquishment has been delivered to the agency and filed

with the Department of Health. The relinquishment severed the legal relationship between the birth parent and the child prior to the commencement of the adoption procedure in the court. Therefore, as the law now stands, a birth parent is not a party who, even upon showing of the necessitous, could obtain access to the identifying information from the birth records.

Curiously, there are courts which maintain that the adoptee is not a party to the adoption either so that the only parties to the adoption are the adoptive parents and the agency which is handling the relinquishment. Nevertheless, there is some question as to the status of the adoptee as a party to the proceeding, and policy varies throughout the State of California as to the availability of the court records. There are some courts which will allow an adoptee access to the records and which interpret very liberally the requirement of a showing of need to open the files "approaching the necessitous".

A primary concern of adoption agency people is that in the past they have assured their clients that the clients' anonymity would be protected and all their records would remain confidential. Many people came to the agency relying upon this anonymity; and, in fact, when babies were readily available for adoption in the 1950s and early '60s, many people chose agency adoptions over independent adoptions for the sole purpose of obtaining and maintaining this anonymity. While many adoptive parents have had as their primary concern the security of freedom from intrusion of their adoptive family while the adoptee remained a minor, others may desire this anonymity for all time.

No great moral question is raised in facing the reality that if the law is changed, then agencies would be required to follow the change in law even though this might destroy the anonymity of the adoptive parents and the adult adoptee. However, a rather strong moral question does present itself as to whether having given representations that agencies would protect their clients' anonymity, an agency could at this time become an advocate of the opening of records even if these records were opened only to "parties to the adoption", including the adult adoptee.

It was this type of argument which led the County Welfare Directors Association to consider a proposal to open records after a period of 18 years elapses. That is, in the year 1995.

This would assure that records would be opened only to those whose adoptions were processed under a policy wherein an absolute promise of continuing anonymity was not given. This, however, creates obvious inequities. For example, it would mean that an adoptee who is 18 years old today would be at least 36 years old before being able to obtain access to his/her records. That same year a person becoming 18 would be able to obtain access. Such a proposal seems impractical in that substantial changes would occur over the next 18 years, and proposals, in order to be practical, should deal with the scope of problems today.

Another major problem to be faced in connection with the opening of records deals with the maturity of the person seeking to obtain information and also the relative matter of parental consents of adoptive parents. Generally, the task force felt that there would be less

objection to the opening of identifying information in adoptive records if that information was released only to adult adoptees who had attained maturity. The problem here is that maturity cannot be gauged in years. Some 18-year-olds have maturity; on the other hand many 21-year-olds have not yet reached maturity. A strong view was expressed that adoptive parents, along with other parents who are attempting to raise either adoptive children or their biological children, experience continuing difficulties with the children as they go through the turmoil of the teen years and so on into their early 20s.

Adoptive parents felt that an additional and undue pressure would be placed upon them if their still immature children were to introduce into the complex family relationship the threat of bringing into this relationship another set of parents while those children were still working their own way toward maturity.

Many adoptive parents believe that maturity is attained somewhere around 24 or 25 years of age. However, it is unlikely that this age would appeal to legislators who are faced with 18 as the legal age of majority or 21 as the minimum age to purchase alcoholic beverages.

There is a strong feeling among many adoptive parents that adoptees at age 18 lack the maturity to comfortably deal with the emotional problems involved with a search for birth parents and similarly that an intrusion of birth parents into the lives of adoptive children and their adoptive parents at age 18 would be most disruptive. However, an argument could

be made that some people are never mature enough to deal with a search. Clearly a line must be drawn somewhere for practical purposes. Age 18, being the age of majority, is the most common precedent.

Should the adoptive parents consent be an element of opening records to the adult adoptee? If there were a three-party consentual situation, that is, the birth parents, the adult adoptee, and the adoptive parents, then an obvious situation would exist for making the information available. On the other hand most proposals have not included the consent of the adoptive parents. The reason for this is that at 18 years of age a child has reached his majority for most legal purposes (a notable exception is the purchase of alcoholic beverages). Certainly, it would seem very difficult to provide that after age 21, the consent of adoptive parents should be required. Nevertheless, in going back to the question of maturity, since some persons quite possibly may lack maturity until later in life, there is strong support among some adoptive parents that parental consent of adoptive parents should be required before any information was released to an adult adoptee who has not attained the age of 25. This could have an unexpected and reverse pressure on an adoptive parent whose 21-year-old child was seeking to obtain identifying information as to birth parents and who asked the adoptive parent for consent. At this point a refusal of that adoptive parent to give consent could place tremendous pressures on any continuing meaningful relationship between that adult adoptee and his parent.

Many adoptees, birth parents, and adoptive parents have expressed concern that there should be an emphasis on the fact that a person who does not wish to search is responding to feelings which are just as normal and natural as those who feel a strong desire to search. No person should be made to feel that he/she is odd or strange for wishing to search, and conversely, those who do not wish to search should be encouraged to be comfortable with their feelings.

Finally, it should be noted that for many the desire to search is part of a greater overall need within them to find not only their origins but their true sense of self in establishing their own identity. There is no guarantee that obtaining identifying information or effecting meetings with birth parents will satisfy their desire to know themselves. However, the evidence at hand today indicates that providing the opportunity for adult adoptees to obtain such information is at least a step in that direction.

IV. MAJOR FINDINGS

Adoption is a vital and necessary institution in our society. State policies governing confidentiality in the adoption process should:

A. Be directed toward strengthening family life as well as meeting the needs of individuals who are parties to an adoption;

B. Protect the adoptee's right to privacy;

C. Protect the adoptive family unit from disruption by contacts with birth parents and their relatives during the formative years of a child's life;

D. Recognize that parents, by adoption, have a right to know all nonidentifying background information which is available about their child;

E. Provide for agencies to collect this information in a standardized manner;

F. Recognize that desire to know and understand one's personal background such as that expressed by some adult adoptees is a common human need;

G. Recognize that agency adoptions completed under current law carry an implicit promise of anonymity to birth parents placing children for adoption, adoptive parents, and adoptees;

H. Recognize that parents, by adoption, have all the rights as well as responsibilities inherent in the parent-child relationship;

I. Recognize that every adult adoptee has a right as an individual to desire to establish relationships of choice, including contact and meeting with birth parents if mutually desired;

J. Recognize that the individual needs of birth parents, who voluntarily consented to adoption or whose parental rights were involuntarily terminated by court action, vary to the extent that some have a strong need to have information regarding the child and a desire to meet the adult adoptee while others have no such need and have ordered their lives in keeping with the promise of anonymity;

K. Recognize that for some birth parents the involuntary termination by court action of parental rights resulted from circumstances or pressures beyond their control and the adoption was contrary to their wishes;

L. Recognize that changes in society have occurred which tend to encourage the opening of records maintained on individuals;

M. Recognize that attitudes in society have changed regarding the parent and child when a birth occurs out of wedlock;

N. Provide alternative methods to adult adoptees and birth parents who wish to seek information and/or to meet.

To implement these findings, the task force has made recommendations in four areas:

A. Access to Nonidentifying Information

B. Access to Identifying Information

C. Adoption Records

D. Registration System

V. REACTION OF BIRTH PARENTS TO MAJOR FINDINGS

In order to test the impact of the major findings of the task force and to seek input from birth parents, the least visible members of the parties affected by a state policy change, the findings were discussed with 17 birth parents prior to finalizing the report.

In general all those contacted supported the findings and felt they were fair to all parties. Several key points need to be summarized. All of the birth parents agreed that adult adoptees have a right to establish contacts and to meet with their birth parents if they desire to do so; only one of the birth parents questioned that state policy should be such as to protect the adult adoptee's right to privacy; only four felt that they had been promised anonymity under current law; all supported the need to protect the adoptive family unit from outside contact during the formative years of the child; and all felt that changes in society have supported and encouraged more openness of adoption records.

It is interesting to note that three of the birth parents interviewed had previously indicated they did not wish to be contacted by their child in the future, but at this point in time had changed their mind. One birth parent indicated she in no way would initiate, and personally did not desire, a future contact but would be receptive if her child upon reaching adulthood wished such a contact.

In a paper presented at the annual meeting of the American Psychological Association in September 1976, Reuben Pannor, M.S.W. (member of the task force), Annette Baran, M.S.W., and Arthur Sorosky, M.D., summarized research findings from an in-depth study of 38 birth parents. The findings of this research effort closely parallel the response of the 17 birth parents to the major findings of the task force.

The birth parents interviewed in the research project ranged in age from 20 to 62 with a median age of 34. The age of the child relinquished by these birth parents ranged from birth to 6 months and the number of years since the child had been relinquished by these birth parents ranged from less than 1 to 33 with a median of 15. The reported findings which relate specifically to the issue under discussion by this task force are as follows:

"BIRTH PARENTS INTEREST IN REUNIONS WITH ADOPTEES

"When asked if they would be interested in a reunion with the child they relinquished 82% (31) out of the 38 interviewed said yes, if the adoptee desired to meet them. They further stipulated that they would only do so if the adoptee had reached adulthood. Only 5% (2) were themselves actively searching for the adoptee. One said that she would be interested in a reunion if both the adoptee and his adoptive parents both agreed. Eight percent (3) stated that they did not want a reunion because they did not feel they nor their families could handle it. One refused to comment. Among the 82% (31) birth parents who said they would agree to a reunion if the adoptee wanted it, 35% (11) said they felt it might help the adoptee, 45% (14) felt that the adoptee may have a strong need to know, 26% (8) said they and their families could handle it. The fact that they would welcome a reunion but would not seek out the adoptee was mentioned 42% of the time (16), while 6% (2) said it would be the happiest day of their lives. A wish to explain to the adoptee why he was given up was given 21% of the time (8) and a hope that the adoptee would not blame her was mentioned once.

"Eighty-seven percent (33) of the 38 birth parents interviewed reiterated that they did not wish to hurt the adoptive parents - comments like, 'They are the real parents,' 'I do not want to take the child away from them, I have the greatest respect for what they have done for my child,' 'I will always be grateful to the people who raised my child,' were frequently made. Many indicated that they thought a 'friendship' relationship might develop if the adoptee wished it. None, including those not married (approximately 24%) said that they visualized a parental relationship developing. Those married with children made a point of the fact that they had ties and obligations to their present families, and could not see entering into a parent-child relationship with an adoptee they had relinquished as an infant.

"INTEREST IN UPDATING INFORMATION

"When asked if they were interested in updating the information about themselves contained in agency case records, 95% (36) said they were definitely interested in seeing this done. Many pointed out that the information in the files of the adoption agencies described them as mixed-up teenagers, out of step with the rest of society, with little hope of 'making it.' They would like the children they gave up for adoption to know that they had 'made it,' that they are respected citizens in their communities, that they have their own families, that many are happily married and most important that they cared about the children they relinquished. A fear about how they would be received by agencies was expressed by many when asked why they did not take steps to update their records.

"Forty percent (15) of the birth parents said they were satisfied with the information told them about the adoptive parents. The majority or 55% (21) felt that the information given to them was inadequate. Five percent (2) said they had received no information about the adoptive parents. Although many expressed confidence in the fact that good homes had been chosen for their children, almost all of those interviewed expressed an interest in updated information about the adopted parents. Questions such as, 'Are they still married?', 'Did they adopt or have other children?', 'Are they still living?', were frequently on their minds.

"FEELINGS ABOUT OPENING THE SEALED RECORDS

"When asked how they felt about opening the sealed records to adult adoptees, 53% (20) said they favored such a step. Only one favored only minimal information being given to the adoptive parents about themselves while the remainder favored giving full background information short of the identifying data (names and addresses). The overwhelming majority 80%

(30) were in favor of establishing mediating boards to investigate the appropriateness of offering and assisting with reunions. Most saw the reunion as a difficult emotional process and said they would welcome any help that could make this easier for them and the adoptee."

VI. RECOMMENDATIONS

A. Access to Nonidentifying Information

Definition:

Nonidentifying information is to be considered any information other than that which would lead to the identification of a member of a biological family. Information such as personal, social, and medical history is normally considered nonidentifiable. Examples of identifying information are names, addresses, and other details, such as the specific job title of a biological parent.

It is quite difficult to derive a precise distinction between these two kinds of information, given the variability of which might be identifying in individual situations. In some cases the actual delineation between identifying and nonidentifying information must be left to the agency's discretion. The decision, however, should be based solely on a consideration of the identifying or nonidentifying nature of the particular piece of information under consideration, and should not be based on a determination of the positive or negative nature of that information.

In the event the child is an American Indian or an Alaskan native, nonidentifying information would include the tribal affiliation,

either given by the birth parent or obtained through the Bureau of Indian Affairs.

1. Nonidentifying information regarding birth parents, siblings, and extended family:

   a. All nonidentifying information should be available to adoptive parents in writing. Adoptive parents should be counseled to share this information with their adopted children in appropriate ways and times in a spirit of honesty and openness.

   b. All nonidentifying information relating to birth parents, siblings, and extended family should be available to adult adoptees with or without adoptive parental consent. This information should be given in the same spirit of honesty and openness. The agency should be available to the adult adoptee for any assistance he may require, at the time he comes to the agency for such information.

   c. In instances in which an adoptee under the age of majority comes to the agency's attention for help with identity problems, the agency should make efforts to obtain permission from the adoptive parents to give nonidentifying information. However, if this is not possible due to the unavailability of the parents, the agency should be able to act on its own judgment.

d. All available nonidentifying information regarding the status and well-being of the legally free or adopted children should be made available to biological parents upon request to the extent feasible.

2. Uniform nonidentifying information should be obtained by all adoption agencies and the Department of Health in a format specified by the Department.

3. Updating information:

In order to best meet the needs of adoptees, adoptive parents, and birth parents, steps should be taken to:

a. Update the available information on file in agency records.

b. Let the parties to adoption, who are seeking information, be aware of available material at their request.

c. Updating of information should be implemented at the time of any in-person contacts with any of the parties. Publicity should be used to make the communities aware of the value in updating information and its availability to parties to the adoption. At the time of relinquishment or consenting to the adoption, the birth parent should be made aware of the importance of updating information.

B. Access to Identifying Information

1. Adult adoptees (age 18 and over) should have access to: (a) original birth certificates, (b) court records, and (c) upon request, be provided with an abstract of identifying information contained in adoption agency records as specified by the Department of Health.

2. Birth parents should have the right if they so desire to block the release of information from birth certificates, court records, or agency records which would identify them if the adoption took place prior to the effective date of any change in the law. Access to such information in these cases should only be available through a petition to the superior court based on good and compelling cause.

3. Birth parents should not have access to identifying information related to the adoptee or adoptive parents.

4. Adoption agencies, or the Department of Health, should act as an intermediary on behalf of birth parents who are seeking either updated information or who desire to meet with an adoptee over the age of 18. The intermediary should make a reasonable effort to contact the adult adoptee and establish whether he or she would be willing to give information to or be put in contact with the birth parent.

5. The filing of a request or a response to an agency inquiry by an adult adoptee or birth parent not to meet or be contacted should be honored in all cases by the Department or adoption agency.

6. Any proposed change in law should provide sufficient lead time to permit for publication and negative registration by birth parents who wish to retain their privacy.

C. Adoption Records

There are four major record areas:

(1) Department of Health -- Vital Statistics,

(2) Department of Health -- Children Social Services,

(3) Adoption agency records, and

(4) Court records.

1. A comprehensive statute should be codified regulating confidentiality and access to adoption records.

2. Such access should be codified by the Legislature with a mandate to the Director of the Department of Health to establish regulatory standards governing such access.

3. Access to adoption records for purposes of research should be permitted.

4. The statute should mandate that the researcher would hold all information contained in strict confidence and that such access would not exempt the researcher from liability should he or she break that confidence.

D. Registration System

1. A state registration system for adult adoptees (age 18 and over) and birth parents desiring to meet or share information should be established.

2. Registration should be limited to parties to an adoption granted in California including the adult adoptee and either or both birth parents.

3. Counseling or assistance should be available upon request through an adoption agency or the Department of Health.

4. There should be no active search by the Department of Health as a part of the registration system, to contact any party to an adoption.

5. Registrants should be able to withdraw from the system at any time.

6. Adult adoptees and birth parents should be able to express by registration their desire not to meet or be contacted.

7. Registrants should be able to indicate the means by which they desire to be contacted in the event there is a matched registration.

8. If a request to meet has been filed by a parent or adoptee and the other party has filed a request not to meet, the party filing the request to meet should be so notified.

9. In all adoptions subsequent to the establishment of such a state registration system, birth parents and adoptive parents should be notified in writing of the system during the adoption process.

10. The registration system should be voluntary, should be supported by a fee system, and the availability of it should be well publicized.

VII. SUMMARY STATEMENT

The membership of the task force recognize that the major findings of this report and recommendations for implementation, particularly in respect to access to identifying information, represent a significant departure from the past. The conclusions represent a group consensus and are the result of intensive group meetings and heated discussion occurring over a period of several months. Task force members reviewed numerous articles and reports of other such groups struggling with the same issue throughout the United States and in other countries. During the seven months of this task force, a number of events occurred which had an influence on the group deliberation: (1) two state court decisions in New Jersey and New York strongly supported the right of adult adoptees to have information of their origin although stopping short of opening agency records; (2) England implemented a law opening original birth records to adoptees over the age of 18; (3) the Child Welfare League of America adopted revised standards of practice which reaffirmed the value of confidentiality to parties to the adoption but at the same time urged agencies to advise that such confidentiality cannot be assured in the future; (4) major research findings of the Children's Home Society of California were published indicating that out of 1,294 respondents (adult adoptees 288, birth parents 102, and adoptive parents 904) 88.9 percent of the adoptees, 82.4 percent of the birth parents, and 73.1 percent of the adoptive parents supported the right of adult adoptees to have access to their original birth certificates; (5) Los Angeles County Department of Adoption reported that in 1976, 278 adoptees and 247 birth parents contacted the

Department for information and/or assistance in seeking identifying information; (6) state legislation was introduced and passed in Minnesota which would give adult adoptees access to information from their original birth certificates if the birth parents concurred following contact by an adoption agency; (7) the California State Bar announced support for legislation to provide access to identifying information for adult adoptees; and (8) a bill was introduced in the California Legislature by Senator Campbell (Senate Bill 535) to establish a registration system to facilitate the meeting or exchange of information between adult adoptees and birth parents.

One major issue the task force membership acknowledged but did not address is the desire on the part of some adult adoptees to meet and know siblings and other family members. The task force members felt that although this was an extremely important area it should be addressed separately and following the resolution of the basic question regarding the adult adoptees' access to basic identifying information.

The task force membership strongly urges the Department of Health to immediately implement, to the extent possible, the recommendations contained in this report by administrative regulation and to seek to have legislation introduced containing those recommendations which reflect a change in state law.

The task force membership, in recognition of the fact that this issue is of singular importance to so many individuals in the State of California, further urges (a) the social work professional leadership

to take steps to assure that current practice reflects the emerging trend toward more openness in the adoption process; (b) the schools of social work to assure that student interns are conversant with the developing trends and have the skills to meet the demands of adoption practice; (c) the California Association of Adoption Agencies, agency directors, county welfare directors, and the State Department of Health to take an active role in public discussions of this issue so that all facets of the proposed changes can be thoroughly examined and understood.